

**MINUTES OF THE
NATIVE AMERICAN LEGISLATIVE LIAISON COMMITTEE**
Tuesday, November 27, 2007 – 2:00 p.m. – Room W025, House Building

Members Present:

Sen. Kevin T. VanTassell, Senate Chair
Rep. DeMar “Bud” Bowman, House Chair
Sen. Fred Fife
Rep. Douglas C. Aagard
Rep. James R. Gowans
Rep. Brad King
Rep. Mark A. Wheatley

Members Excused:

Sen. Patricia W. Jones
Sen. Dennis E. Stowell
Rep. Kay L. McIff
Rep. Michael E. Noel

Staff Present:

Mr. John Q. Cannon, Managing Policy Analyst
Ms. Patricia Owen, Associate General Counsel
Ms. Wendy Bangerter, Legislative Secretary

Note: A list of others present, copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Bowman called the meeting to order at 2:10 p.m.

The committee members introduced themselves and the areas they represent.

MOTION: Rep. Wheatley moved to approve the minutes of the November 1, 2006 meeting. The motion passed unanimously.

2. Uintah Basin Revitalization Fund Annual Report

Mr. John Harja, Board Chair, Uintah Basin Revitalization Fund, reviewed the Fund's annual report.

Mr. Keith Heaton, Division of Housing and Community Development and staff administrator for the Uintah Basin Revitalization Fund and the Navajo Revitalization Fund, reviewed the allocation of monies for specific projects.

3. Navajo Revitalization Fund Annual Report

Mr. John Harja, Board Chair, Navajo Revitalization Fund, reviewed the Fund's annual report.

Mr. Heaton reviewed the chapter and nonchapter projects included in the report and how monies were spent.

4. Utah Navajo Trust Fund Annual Report

Mr. John Cannon, Managing Policy Analyst, explained that the Utah Navajo Trust Fund is scheduled to sunset on July 1, 2008. He explained that with the sunset, the state is seeking congressional action to remove the state's responsibility for the royalty monies.

Mr. Tony Dayish, Administrator, Utah Navajo Trust Fund, distributed and reviewed the annual report for the Utah Navajo Trust Fund. He reviewed oil production and prices. He explained the varied projects funded by the Navajo Trust Fund. He discussed the process of transition after the sunset.

Mr. Leonard Lee, Chairman, Dineh Committee, spoke of the funds generated by the Aneth extension area and efforts to increase oil production. He spoke to the scholarship program that is funded and asked that the Committee request reauthorization for another two to three years so those efforts could be continued.

Ms. Marie Holiday, representing the Oljato and Dennehotso Chapters, also asked that further time be given through reauthorization so they can prepare for the transition.

Rep. King said that he wants to ensure money coming from the oil royalties continues to benefit those for whom it was intended. He also addressed the health system and efforts being made to improve the facilities. He requested that the Committee write a letter of support for the Utah Navajo Health Systems.

MOTION: Rep. King moved that a letter of support be sent from the Native American Legislative Liaison Committee regarding the Utah Navajo Health Systems. The chairs directed staff to prepare a letter in their name.

5. Utah Division of Indian Affairs Annual Reports

Mr. Forrest Cuch, Director, Utah Division of Indian Affairs, reported on the success of the Native American Summit held in 2007. He distributed and reviewed the Utah Division of Indian Affairs Annual Report.

Mr. Palmer DePaulis, Executive Director, Department of Community and Culture, reported regarding the rulemaking process for the repatriation effort. He explained that the Department has addressed issues that have impeded progress in the past. He has hopes that this will soon lead to a very successful repatriation program.

Mr. Cuch reviewed the annual report of the Native American Remains Review Committee. He asked for a better definition of the administration of the repatriation law and reviewed efforts within current statute.

6. Indian Peaks Band of Paiutes Water Rights

Ms. Lora Tom, Chairwoman, Paiute Indian Tribe of Utah, gave a brief history of the Paiute Indian Tribes of Utah and addressed the possible resolution of water rights issues for the Indian Peaks Band of Paiutes. She requested that the Committee be proactive in favor of the Indians in Utah and for good communication between them and the Legislature.

Ms. Jeanine Borchardt, Chairwoman, Indian Peaks Band of Paiutes, discussed the Indian Peaks Band and the federal reserved water rights. She distributed and reviewed "Background Information Federal Reserved Water rights of the Indian Peaks Band of Paiutes." She reviewed her efforts to capture those water rights.

Mr. Jeff Zander, General Counsel, Paiute Indian Tribe of Utah, explained there are six recognized bands included in the Paiutes Tribe of Utah. Mr. Zander further reviewed the federally reserved water rights. He stated that they are working with Sen. Stowell. He distributed "Foreward to the New Edition" written by Ms. Tom.

MOTION: Rep. Gowans moved that the Committee support attempts for a resolution of the federally reserved water rights for the Indian Peaks Band of Paiutes. The motion passed unanimously. Rep. King was absent for the vote.

7. Funding of Heritage Language Efforts

Ms. Patricia Owen, Associate General Counsel, distributed and reviewed "Funding Indigenous Language Efforts," which is a request for ongoing funding to be distributed to the tribal education departments of the Northern Utah Tribe, Northwestern Band of Shoshonie, Goshute, Paiute, White Mesa Ute, and Navajo Nation to further efforts related to preserving tribal languages. The document included examples of legal and policy issues.

Dr. Chuck Foster, American Indian Education Specialist, Utah State Office of Education, further reviewed the request to help preserve heritage languages. He reviewed the importance of the tribal languages to their culture and identities. He distributed and reviewed, "Request for Ongoing Funding for Fiscal Year 2009." He stated his feelings that revitalizing Native American languages will increase test scores of school children, decrease school absences, and increase student graduation.

Mr. Dayish spoke in support of funding for other areas of the state. He stated that many jobs require the use of both English and the native languages.

8. Business Entity Statutes and Tribal Entities

Ms. Owen distributed and reviewed "Business Entities Created Under Tribal Law." She reviewed the Legislature's options and distributed a working draft of legislation, "Foreign Business Entities and Tribal Law."

Mr. Bruce Parry, Chairman, Northwestern Band of Shoshone, addressed the issue of tribal corporations not being recognized by the state as foreign corporations.

Ms. Kathy Berg, Director, Division of Corporation and Commerce, Department of Commerce, further explained the process of registering tribal corporations as foreign corporations. She feels a legislative change would be helpful for clarity of what should be required.

9. Other Items / Adjourn

Mr. Kenneth Maryboy, Navajo Nation Tribal Council and San Juan County Commissioner, recommended and advocated that an Office of Indian Affairs be located at the governor's cabinet level. He thanked the state for being the trustee of the Navajo Trust Fund. He stated his fear that if royalty monies are again directed back into the Navajo Nation, the Utah Navajo's will not benefit from that money.

MOTION: Sen. Fife moved to adjourn the meeting. The motion passed unanimously. Rep. King was absent for the vote.

Chair Bowman adjourned the meeting at 4:45 p.m.